

**ARTICLE I. GENERAL****Sec. 2.5-1. Short Title**

This ordinance shall be known as the “Charter Township of Delta Alcoholic Beverage Ordinance.”  
(Ord. No. 93-7, § 1, 8-16-93)

**ARTICLE II. LIQUOR LICENSES****Sec. 2.5-2. General**

(a) Except, where the context denotes otherwise, words are to have both singular and plural meaning.

(b) Words shall be considered to have their common and customary meanings, except as further defined by the Michigan Liquor Control Act (Act No. 8, Public Acts of 1933, as amended)  
(Ord. No. 93-7, § 1, 8-16-93)

**Sec. 2.5-3. Application for new license.**

(a) *Application.* An application for a license to sell beer or wine and/or spirits on premises by the glass shall be made to the township board via the clerk, in writing, signed by the applicant, if an individual; or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:

- (1) The name, age, and address of the applicant in the case of an individual; or, in the case of a co-partnership, the person entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.
- (2) The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.
- (3) The character of business of the applicant.

- (4) The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its Charter was issued.
- (5) The location and description of the premises or place of business which is to be operated under such license.
- (6) A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
- (7) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason for any matter or thing contained in this ordinance or the laws of the State of Michigan.
- (8) A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the township in the conduct of its business.
- (9) The application shall be accompanied by building and plat plans showing the entire structure and premises and, in particular, the specific areas where the license is to be utilized. The plans and specifications shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and, where appropriate, adequate plans for screening and noise control.

(b) *Receiving applications.* The clerk shall refuse to accept an application which does not contain all the required information listed in section 2.5-3(A). The clerk may also refuse to accept an application if aware the applicant does not meet the requirements of section 2.5-3(C), subparagraphs (1), (6), (7), (8), (12) or (13). Applications which do not meet section 2.5-3(C)(14) shall be accepted by the clerk only if the proper petitions for rezoning and /or conditional use permit(s), as applicable, have been filed.

(c) *Restrictions on granting new licenses.* No new licenses shall be issued to:

- (1) A person whose license has previously been revoked.
- (2) A person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.
- (3) A co-partnership, unless all members of such co-partnership shall qualify to obtain a license.

- (4) A corporation, if any officer, manager or director thereof, or a stock owner or stockholder owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
- (5) A person whose place of business is conducted by a manager or agent, unless such manager or agent possess the same qualifications required of the licenses.
- (6) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor.
- (7) A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued.
- (8) For premises where there exists a violation of the applicable building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations, or applicable public health regulations.
- (9) For any premises unless the sale of beer, wine, or sprits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations, or recreational activities.
- (10) For premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control.
- (11) Where the board determines that the proposed location is inappropriate, considering any one or more of the following factors: the desirability of establishing a location in developed, commercial areas, in preference to isolated undeveloped areas, the attitude of residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of an inconsistent zoning classification; and accessibility for primary roads or state highways.
- (12) For premises where any real or personal property taxes, special assessments, sewer charges or water charges are delinquent and remain unpaid.
- (13) For premises lacking public water supply, public sanitary sewer, or adequate stormwater control, unless the applicant has signed agreements with the appropriate governmental agencies to provide said facilities. ( Stormwater control must also be acceptable to the Delta Township Board).

- (14) For premises lacking the proper zoning and/or conditional use permits as may be applicable.
- (15) For premises and/or proposed licensees who are in violation of any provisions of the Township Code of Ordinances.
- (16) For any premise unless it contains a full service restaurant, which is open to the public, having dining facilities that seat no less than 50 persons, wherein food is prepared and consumed on the premises, and whereby at least 50% of the gross receipts of the premise are derived from the sale of the food consumed on the premise.
- (17) For any premise where applicant or licensee suffers or allows or intends to allow in or upon the premises a person who exposes to public view any pubic region, whole or part of the anus, whole or part of the buttocks, whole or part of the genitals, the breast area exposing any portion of the breast below a line immediately above the top of the areola, either directly or indirectly, including but not limited to see through clothing articles, as well as other types of nudity prohibited by statute or local ordinance.

(d) *Terms and licenses.* Approval of a license shall be for a period of one year, subject to annual renewal by the township board upon continued compliance with the regulations of this ordinance. Approval of a license shall be with the understanding that any necessary remodeling or new construction (including utilities) for the use of the license shall be commenced within six months of the action of the township board or the Michigan Liquor Control Commission approving such license, whichever last occurs. Any unreasonable delay in the completion of such remodeling or construction may subject the license to revocation.

(e) *License hearing.* The township board shall conduct a public hearing before granting or denying the license application. Following such hearing, the board shall submit to the applicant a written statement of its finding and determination. The board's determination shall be based upon satisfactory compliance with the restrictions set forth in section 2.5-3(C).

(f) *Non-granting of new licenses.* Nothing in this ordinance shall be construed to dictate that new licenses must be granted if available even though qualified applicants have applied. The township board may reserve licenses for classes of facilities it believes would especially benefit the community. The board may refuse to grant licenses based upon its perception of the best interest of the community.  
(Ord. No. 93-7, § 1, 8-16-93)

**Sec. 2.5-4. Criteria for non-renewal or revocation of licenses.**

The township board may recommend revocation or non-renewal of a license upon a determination by it that, based upon a preponderance of the evidence presented at hearing, any of the following exist:

- (1) The license was originally obtained or previously renewed by fraud.
- (2) A person's license was previously revoked.
- (3) A person, at the time of renewal of any license issued hereunder, would not be eligible for such license upon a first application.
- (4) A member of a co-partnership would not qualify to retain a license under section 2.5-4(3).
- (5) A corporation, if any officer, manager, or director thereof, or a stock owner or stockholder owning in aggregate more than five percent of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
- (6) A person's business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
- (7) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of wine, beer, or spirits.
- (8) A person who does not own the licensed premises or does not have a lease therefor for the full period for which the license would be renewed.
- (9) There exists a violation on the licensed premises of the applicable building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations, or applicable public health regulations.
- (10) The sale of beer, wine, or spirits is not shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations, or recreational activities.
- (11) Any real or personal property taxes, special assessments, sewer charges or water charges on the licensed premises, are delinquent and remain unpaid.

- (12) It is determined by a majority of the board that the premises have been allowed to fall into a state of disrepair, off-street parking has become inadequate, lighting deteriorated, refuse accumulated, noise increased screening has deteriorated or nuisances developed upon the premises.
- (13) The licensee, its employees or agents, have caused, suffered, permitted, committed or allowed a violation of the state liquor laws of any penal statute of the State of Michigan to occur on the licensed premises.
- (14) There occurs on the premises a violation of the administrative rules of the Michigan Liquor Control Commission or of such rules or regulations of such agency as may supersede the Liquor Control Commission.
- (15) Fighting has occurred on the premises.
- (16) The premises and/or licensees are in violation of any provisions of the Township Code of Ordinances.  
(Ord. No. 93-7, § 1, 8-16-93)

**Sec. 2.5-5. Objections to renewal and request for revocation.**

(a) *Procedures.* Before filing an objection to renewal or request for revocation of a license with the Michigan Liquor Control Commission, the township board shall serve the license holder, by first class mail, to holder's last known address, mailed not less than ten days prior to hearing with notice of a hearing, which notice shall contain the following:

- (1) Notice of proposed action.
- (2) Reasons for proposed hearing.
- (3) Date, time, and place of hearing.
- (4) A statement that the licensee may present evidence and testimony and confront adverse witnesses.

Following the hearing, the township board shall submit to the license holder and the commission a written statement of its findings and determinations.

- (b) *Criteria for non-renewal or revocation.* The township board shall recommend non-renewal or revocation of a license upon a determination by it that, based

on a preponderance of the evidence presented at hearing, any of the following exists:

- (1) Violation of any of the restrictions on licenses set forth in section 2.5-4, except that free-standing bar buildings established prior to this ordinance shall not be refused a license renewal on the grounds they may not meet the requirements or section 2.5-4(10).
- (2) Maintenance of a nuisance upon the premises; or,
- (3) Discontinuance or termination of the sale of beer and wine or spirits under the license at the premises for 12 consecutive months.  
(Ord. No. 937, § 1, 8-16-93)

**Sec. 2.5-6. Nonrefundable application fee.**

Before considering any application submitted in accordance with the requirements of section 2.5-3, a nonrefundable fee shall be collected by the township clerk in order to defray the cost of the investigation of the applicant as mandated. The application fee shall apply to new and transfer liquor license applications.

